

## **REMARKS**

The present Response and Amendment is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

### **Status of Claims**

Claims 24-28, 31-40 and 42-44 are currently pending in the application.

Claims 29, 30 and 41 have been cancelled herein without prejudice or disclaimer to resubmission in a divisional or continuation application.

New Claim 44 has been added. Support for new claim 44 may be found for example, in paragraph [0031] of the Published Application.

Claims 24, 27, 28, 31, 33, 34, 37, 39, 42 and 43 have been amended. The amendments to claims 24, 27, 28, 31, 33, 34, 37, 39, 42 and 43 are being made for clarity and to correct a typographic error, and are not being made for patentability. The addition of "assigning a score to each of the plurality of frames based on a criterion of interest" to claim 39 is not being made for reasons of patentability but rather to further clarify the embodiment of the invention being claimed.

The amendments add no new matter.

### **Drawings**

In the Office Action, the Examiner objected to the Drawings because the blocks in Figure 1A are not labeled. Applicants submit herewith replacement drawing sheets of Figures 1A and 1B amended to include labels. These amendments add no new matter.

## CLAIM REJECTIONS

### 35 U.S.C. § 112 Rejection

In the Office Action, the Examiner rejected claim 29 under 35 U.S.C. § 112, second paragraph, for only including a preamble and linking phrase and claims 30 and 31 under 35 U.S.C. § 112, second paragraph, for depending from claim 29.

Claims 29 and 30 have been cancelled and claim 31 has been amended to depend from claim 24. Accordingly, the 35 U.S.C. § 112 rejection of these claims is moot.

Applicants request that the Examiner withdraw the rejection under 35 U.S.C. § 112.

### 35 U.S.C. § 102 Rejection/ New Claim

In the Office Action, the Examiner rejected claims 24-28, 32 and 34-43 under 35 U.S.C. § 102(e), as being anticipated by Davidson et al. (U.S. Patent Application Publication No. 2004/0027500). Applicants respectfully traverse this rejection in view of the remarks that follow.

Claim 34 includes, *inter alia*, “to assign a score to each of a plurality of frames to be displayed substantially simultaneously based on a predetermined criterion and to determine a spatial position of frames in the multi-frame image stream based on the score assigned thereto.”

Each of claims 24, and 39 includes, *inter alia*, “assign[] a score to each of [a] plurality of frames based on a [] criterion []; and position[] the frames in [an] order based on the score assigned thereto.”

Applicants respectfully assert that Davidson does not teach at least these features.

In the Office Action, the Examiner refers to paragraph [0050] lines 19-24 of the Davidson, which teaches “selecting images from a stream or a subset stream of images based on ... criteria for example based on spectral characteristics of images (e.g. intensity, saturation, hue, etc). In step 515, the position of the images used to form a fused image is defined.” Davidson does not mention positioning based on a score.

In order to anticipate a claim, a reference must teach every element of the claim either explicitly or inherently. Applicants assert that selecting and manipulating images based on

criteria (in Davidson) neither explicitly nor inherently teaches assigning scores to frames based on a criterion and then positioning the frames based on their assigned score, as required in each of Applicants' claims 24, 34 and 39.

Nowhere in Davidson is there any teaching or suggestion of assigning a score to an image frame based on a criterion. In one embodiment of the presently claimed invention, a score is a simplified representation (e.g., a derived value or rating, such as an integer 1-10) based on a more complex characteristic (e.g., a criterion, such as, color variation, focusing, lighting, blood detection, etc., as described in paragraph [0030] of Applicants' Published Application). Therefore Davidson does not teach or suggest the claimed limitations of "determin[ing] a spatial position of frames in the multi-frame image stream based on the score assigned thereto" or to "position[] the frames in [an] order based on the score assigned thereto."

In Applicants' claims 24, 34 and 39, a score is assigned and images are positioned based on their score. By using a score, the quantity of data used to represent an image for determining its position may be reduced and therefore the complexity and computational effort of image comparisons and positioning may likewise be reduced. According to an embodiment of the claimed invention, the content of each image need only be evaluated once to determine the score of the image. Using a score to position images may greatly reduce at least the number of times the content of an image is evaluated and thus the computational effort of image comparisons.

Claims 24, 34 and 39 are therefore allowable over Davidson.

Each of claims 25-28, 31, 32, 35-38, 40 and 42-43 and new claim 44 depends, directly or indirectly, from one of claims 24, 34, and 39, and therefore includes all the limitations of one of these claims. Therefore, Applicants respectfully assert that claims 25-28, 31, 32, 35-38, 40 and 42-44 are likewise allowable.

Claim 41 has been cancelled. Therefore the rejection thereof is moot.

Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 102(b) of claims 24-28, 32 and 34-43.

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### 35 U.S.C. § 103 Rejection

In the Office Action, the Examiner rejected claim 33 under 35 U.S.C. § 103(a), as being unpatentable over Davidson in view of Iddan et al. (US Patent No. 5,604,531). Applicants respectfully traverse this rejection in view of the remarks that follow.

Claim 33 depends from claim 24, which as discussed is allowable over Davidson. Iddan does not cure the deficiencies of Davidson and therefore, claim 33 is likewise allowable.

Applicants respectfully request reconsideration and withdrawal of the rejection of claim 33 under 35 U.S.C. § 103(a), as being unpatentable over Davidson in view of Iddan.

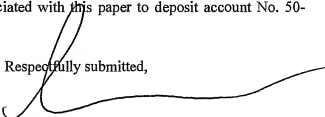
### CONCLUSION

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

No fees are believed to be due in connection with this paper. However, if any such fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

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